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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,247	10/21/2003	James A. Duggan	1-5222	3417

27210 7590 08/30/2005

MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,247

Applicant(s)

DUGGAN, JAMES A.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-32 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-30 and 39-41 is/are allowed.
- 6) ☒ Claim(s) 31,32 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The indicated allowability of claims 31, 32 & 34-38 is withdrawn in view of the newly discovered references. Rejections based on the newly cited reference(s) follow. The finality of the last Office action is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 31, 34, 35, 37 & 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda et al, US 4,790,794 (Takeda).

a. Claims 31, 35 & 37. Fig. 4 shows a coupling comprising: a first yoke 1 including a plurality of first yoke arms 2; a second yoke 4 including a plurality of second yoke arms 5; and a flexible body defining an axis. Figs. 1 & 2 show the flexible body 16 comprises: a first plurality of bushings 12 for connecting to the first plurality of yoke arms; a second plurality of bushings 13 for connecting to the plurality of second yoke arms; and a plurality of tensile members 15 connecting the first plurality of bushings with the second

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plurality of bushings. Fig. 3(b) shows each of the bushings 12, 13 has a pair of grooves 17 formed in an outer surface thereof, each of the pair of grooves receiving one of the tensile members 15.

b. Claims 34 & 38. Fig. 3(a) shows each of the bushings 12, 13 has a pair of grooves 17, 17', the first grooves 17 defining a first shape that is different than a second shape defined by the second grooves 17'.

5. Claims 31, 34, 35, 37 & 38 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Kotusa, WO 03/064878. See also the U. S. equivalent, US 2005/0075173.

Claim Rejections - 35 USC § 103

6. Claims 32 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda.. In Figs. 1-4, Takeda shows a coupling comprising all the limitations of the claims except Takeda does not show the grooves 17 generally semi-circular in shape. However, applicant has not disclosed that having the grooves with a semi-circular shape solves any stated problem or is for any particular purpose. Moreover, applicant expressly discloses at page 6, line 17 of the description that the semi-circular shape is unnecessary to the practice of his invention and it appears that the grooves of the bushings would perform equally well with or without a semi-circular shape. Accordingly, the use of a semi-circular shape in regard to the grooves is deemed to be a design consideration which fails to patentably distinguish over the prior art to Takeda.

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7. Claims 32 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotusa for the same reasons noted immediately above.

Double Patenting

8. Claim 42 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 41. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Allowable Subject Matter

9. Claims 23-30 & 39-41 are allowed.

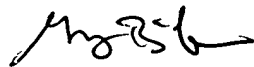
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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